

BRETT L. TOLMAN, United States Attorney (#8821)

CARLIE CHRISTENSEN, First Assistant United States Attorney (#0633)

RICHARD D. MCKELVIE, Assistant United States Attorney (#2205)

Attorneys for the United States of America

185 South State Street, Suite 300

Salt Lake City, Utah 84111

Telephone: (801) 524-5682

FILED

U.S. DISTRICT COURT

2009 MAY 13 P 2:29

DISTRICT OF UTAH

BY: *[Signature]*  
DEPUTY CLERKIN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

**SE A L E D****SEALED**

Plaintiff,

I N D I C T M E N T

vs.

VIO. 16 U.S.C. § 470ee, 18 U.S.C.

§2314, 18 U.S.C. § 641

DAVID WAITE,

TRAFFICKING IN STOLEN  
ARTIFACTS, TRANSPORTATION OF  
STOLEN PROPERTY, THEFT OF  
GOVERNMENT PROPERTY

Defendant.

The Grand Jury charges:

Case: 2:09-cr-00290

Assigned To : Kimball, Dale A.

Assign. Date : 5/13/2009

Description: USA v.

COUNT 1

On or about June 29, 2007, in the Central Division of the District of Utah, the defendant

DAVID WAITE

did knowingly sell and offer to sell an archaeological resource, to wit: a set of 24 cache points, which was excavated or removed from public lands owned and administered by the United States in Grand County, Utah in violation of Federal law, which resource was valued in excess of \$500, all in violation of 16 U.S.C. § 470ee(b).

COUNT 2

On or about June 29, 2007, in the Central Division of the District of Utah, the defendant,

DAVID WAITE

did transport, transmit and transfer in interstate commerce goods, wares, and merchandise to wit: a set of 24 cache points, with a value of \$5,000 or more, knowing the same to be have been stolen, converted or taken by fraud, all in violation of 18 U.S.C. § 2314.

COUNT 3

On or about June 29, 2007, in the Central Division of the District of Utah, the defendant,

DAVID WAITE

did wilfully and knowingly embezzle, steal, purloin and convert to his own use and sell, without authority, property of the United States with a value of more than \$1,000 to wit: a set of 24 cache points belonging to the United States, all in violation of 18 U.S.C. § 641.

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

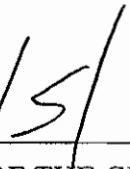
As a result of committing the felony offenses alleged in Counts 1 through 3 of this Indictment which are punishable by imprisonment for more than one year, the defendants shall forfeit to the United States pursuant to 16 U.S.C. §470gg(b) all archaeological resources with respect to a which a violation of 16 U.S.C. § 470ee(b) occurred and all vehicles and equipment of any person which were used in any manner or part to commit and facilitate the commission of such offense. The defendants shall also forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461 any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. §§ 641 and 2341.

If any of the property described above, as a result of any act or omission of the Defendant:

- a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;  
c. has been placed beyond the jurisdiction of the court;  
d. has been substantially diminished in value; or  
e. has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c).

A TRUE BILL:



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FOREPERSON OF THE GRAND JURY

BRETT L. TOLMAN  
United States Attorney



RICHARD D. McKELVIE  
CARLIE CHRISTENSEN  
Assistant United States Attorneys